

**Funeral Expense Assistance and Funeral Poverty Reference Group Meeting
Atlantic Quay, Glasgow
09/02/2018**

Attendees

Lucy Carmichael – (Chair) Scottish Government (SG)

Mohammad Ali – Muslim Council of Scotland (part of meeting)

John Birrell – Scottish Working Group on Funeral Poverty

Jim Brodie – Society of Allied And Independent Funeral Directors (SAIF)

Simon Cox – Dignity

Paul Cuthell – National Association of Funeral Directors (NAFD)

Karen Hurst – Association of British Credit Unions Ltd (ABCUL)

Rose Jackson – Scottish Pensioners' Forum (SPF)

Richard Meade (by telephone) – Marie Curie

Ruth Mendel – Citizens Advice Scotland (CAS)

Robert McGregor – COSLA

Mark Willis – Child Poverty Action Scotland (CPAG)

Amy Atkins – SG

Andrew Burke – SG

Michael Gallagher – SG

Catherine McKenna – SG

Rosaleen Milligan – SG

Jane Moffat – SG

Fiona Rodgers - SG

Apologies

David Hilferty – Money Advice Scotland

Graeme McAusland – Funeral Planning Authority

Caroline Pretty – Lothian NHS

Garrick Smyth – COSLA

Bill Stanley – Institute of Cemetery and Crematorium Management (ICCM)

Glenda Watt, Scottish Older People's Assembly (SOPA)

Stewart Wilson – CRUISE

Welcome and Introductions

1. The Chair welcomed attendees and introductions were made around the table. Robert McGregor (RM) from COSLA introduced himself as a new member to the group, replacing Nicola Dickie.

Minutes from the previous meeting & Action Tracker

2. The group agreed the minutes from the previous meeting alongside the newly formatted Action Tracker.

Funeral Costs Statutory Guidance (Paper 3)

3. Andrew Burke (AB) presented the paper; 'Statutory Guidance on Funeral Costs' (Paper 3), to the group, noting he was seeking to take the broad parameters of the paper in order to allow development of the guidance. AB noted he had already met a number of stakeholders individually to help to broadly defined the scope of the guidance and was looking to discuss this with the group.

4. It was expected that there would be a formal public consultation on the draft guidance later in the year. Prior to and following the public consultation, the Scottish Government wanted to work with stakeholders to ensure the guidance be as useful as possible.

5. In the discussion, the following points were raised:

Section 3 – Principles and terms of reference for the guidance

- I. The appropriateness of the title being 'Statutory Guidance' as the Scottish Government (SG) did not have any enforcement powers. The SG confirmed that the powers to create the guidance are contained in the Burial and Cremation (Scotland) Act 2016. As such, the guidance has its basis in statute.
- II. The funeral sector was fast paced and changing industry. The industry's more affordable provision had dramatically changed over the past three years, with many organisations now providing lower cost funerals. In this context, some members of the group questioned whether there was an urgent need for the guidance. AB acknowledged the broader changing context in which funeral directors were operating and noted that the SG would work closely with the industry to develop the guidance.
- III. Concerns were raised that there would be no financial provision or enforcement powers in relation to the guidance. Members pointed out that there could be issues if the industry and / or local authorities sign up to the guidance but did not deliver it in practice. A view was also expressed that the guidance should include information on redress and appeals for consumers who wished to complain.
- IV. AB noted that the SG expected the guidance would be aimed at funeral directors and local authorities to help improve transparency across key issues such as cost drivers and standardising price comparisons, rather than the main audience being consumers.
- V. In relation to the principle of cost recovery by local authorities for burial and cremation services, one group member indicated that some council chief executives have confirmed in writing that they work to a presumption of full cost recovery. AB noted that some of the Burial and Cremation (Scotland) Bill consultation responses from local authorities had suggested that some councils subsidise these services at present. There was acknowledgment that there will be variation in practice, and that this is one of the areas that the guidance should examine and understand better.

- VI. The group agreed that language and terminology should be carefully considered when developing the guidance.
- VII. The group had differing opinions with regards to the outcome of contributing to the development of the guidance. Some members welcomed the opportunity, seeing it as their chance to help transparency to and ultimately support bereaved individuals. Others expressed concern that an increase in transparency would not necessarily lead to improved outcomes for the public, as the guidance would not change or limit costs but only allow people to understand the reasoning behind costs.
- VIII. The Chair noted that the guidance would not be the only action taken to tackle funeral poverty in Scotland, and noted that a number of other planned activities would be discussed during the meeting.

Section 4 – Scope of the guidance

- IX. Members stated they thought it was beneficial to see work being carried forward with regards to best practice within local authorities and the funeral industry. It was noted that consumers were very vulnerable at the time of bereavement and may not be thinking rationally or logical at that point in time, underlining the importance of appropriate support.
- X. In relation to the local authority charge setting process, some group members drew a link between charge setting and broader local authority strategies for tackling poverty, arguing that local authorities should recognise that affordability of burial and cremation charges was an integral part of broader local authority poverty strategies. There was agreement that local authority officials working in social care and poverty alleviation should also be included in the work to create the guidance.
- XI. Members noted the fact that the NHS is not widely mentioned in the development of the guidance, and asked the reasoning for this. SG officials noted that the focus of the guidance would be on the charges for funerals which, in the main, were made by local authorities and funeral directors, not the NHS.
- XII. It would be helpful for the public to have more detail around referral routes, bereavement support and third sector organisations active in this sphere and the SG should involve welfare rights groups to discuss how to deliver and provide the highest level of support. While not expected to be the focus of the guidance, the Chair noted that work was ongoing to highlight support available in this area as part of other actions to tackle funeral poverty.
- XIII. Group members agreed that the Scottish Government should look to establish links with local organisations working on the ground around Scotland, with a view to encouraging participation in the consultation. The SG indicated that it was already in contact with a funeral poverty group in Dundee and understood that CAB in Nairn was active in this area but would welcome any further suggestions from stakeholders of local funeral poverty groups.

Section 5 - Structure of the guidance

- XIV. Members of the group had differing views on whether private burial and cremation authorities may require their own chapter of guidance or a sub-section.
- XV. It was noted that points three and four of Section 5 required more clarity on the wording around 'guidance' and what the guidance will include.
- XVI. It was noted that standards of care and service provision are important factors for consumers. Cost information alone may not reflect consumer choice or differences in provision of service. It was suggested by funeral directors that very few people who were choosing direct cremation were doing so for cost reasons; these appear to be, in the majority of cases, driven by consumer preference rather than affordability.

Section 6 – Working Groups

- I. Some members pointed out that there were no details on engagement with the public in the paper and that a working group on this area could be helpful. The SG noted that work had started on engagement with the public through the experience panels and would continue to take place. The SG also expected to progress proactive communications work in relation to the public consultation on the guidance and would look to work with stakeholders to promote the consultation.
- II. In relation to the 'Planning your Own Funeral' leaflet, it was suggested that a wider marketing and advertising campaign should be carried out to promote the leaflet. It was agreed the SG and SPF would arrange to discuss separately how to promote uptake of the leaflet and any feedback that SPF had on its content.
- III. It was noted that there could be an opportunity to work with public health to promote funeral literacy and funeral planning. The Chair informed the group that work to map SG activity on funeral poverty and wider work on death, dying and bereavement – including work being carried out in health – would be taken forward from March 2018 and that this was expected to consider opportunities for publicity and public awareness raising.
- IV. There was a query about the accountability of the working groups and how the information and content generated through the groups would be cross-checked. The SG acknowledged that some detail of exactly how the working groups would function and report was still to be established and that this would need to be considered as part of that process.
- V. A request was made for the Scottish Government to try to ensure that meeting cycles of the working groups took into account other time commitments of stakeholders. The SG agreed to take the timing of other meetings into account where possible.

Section 7 – Process and timescales

- VI. AB asked if the group were aware of any other public events that may run in conjunction with the planned timescale for the development of the guidance to which no comments were received.
- VII. AB thanked the group for their comments and noted how helpful the feedback would be in developing the guidance.

Action 1: SG to reflect on reference group feedback and ensure that, where possible, this is embedded into the design and execution of the guidance drafting process and content.

Action 2: Reference Group members to send details of any other local groups working on funeral poverty to the Scottish Government.

Action 3: SG to have a discussion with SPF around how to better promote the 'Planning your Own Funeral' leaflet and any changes or updates that should be made.

Update on Funeral Bond – AB

6. AB outlined progress with the funeral bond. This was expected to be an incentivised savings product to be delivered through credit unions. As set out in the Funeral Costs Plan, the SG had committed to launching the pilot by Autumn 2020. In order to develop the pilot, a range of factors would need to be analysed and understood, such as interaction with reserved powers, state aid rules, broader regulatory requirements relating to credit unions, and the development of an appropriate evaluation framework for the pilot.

7. SG officials noted that the current focus of the team's work was on the statutory guidance and so the next phase of work to develop the funeral bond would commence in 6-8 weeks' time. This would involve working with SG analytical colleagues to examine parameters, analyse how to target the pilot and develop a monitoring and evaluation framework to measure outcomes.

8. Group members queried how the SG would ensure that consumer expectations were properly understood and could be met, pointing out that the term 'bond' has a specific meaning as a financial product and that an incentivised saving product is a different model. Group members urged clarification and transparency on this point in order to ensure that consumer expectations can be met as the pilot progresses.

9. It was highlighted that some credit unions already work with employers in order to encourage savings. SG officials confirmed that while the SG would be making a contribution to savings through the pilot, the SG was not currently proposing to include employer contributions.

10. It was noted that some credit unions have expressed interest in participating in the pilot and had been seeking an update on the proposals. SG officials agreed to provide an update to credit union trade bodies for them to share with interested member credit unions.

Action 4: SG to provide an update to credit union trade bodies for them to share with interested member credit unions.

Update on FEA (Paper 4)

Cath McKenna (CM) thanked reference group members for the comments that had been received on the FEA illustrative regulations, and which were summarised in the paper. Policy development work involving members of the experience panels was underway. The SG wanted to hold individual sessions with reference group members, along with seeking views from members of the wider reference groups for Social Security, on more detailed policy matters to ensure a wide range of views could help to inform development of FEA. It was noted there was a particular need to receive input from as many protected characteristic groups as possible to feed into the creation of an Equality Impact Assessment (EQIA) to ensure equalities were considered during the development of the benefit.

11. CM noted that the quality and quantity of available data would improve once the Scottish Social Security Agency started to deliver FEA and collected its own data, given that there is currently a limited amount of data available from the DWP.

12. It was noted that the Minister for Social Security had proposed a Stage 2 amendment to the Social Security (Scotland) Bill on uprating that would place a duty on Scottish Ministers to annually review the amount of all benefits, taking into account inflation. It was noted that this amendment had still to be considered by the Scottish Parliament's Social Security Committee.

In the discussion, the following points were raised:

- I. The need to ensure that engagement with experience panel members was handled sensitively was highlighted. CM reassured the group that the SG social researchers leading on this work had taken this into consideration when developing the interview process, so as not to cause distress to experience panel members and those undertaking the interviews.
- II. In relation to pregnancy loss, the SG had been in contact with health colleagues about this matter and it was noted that this was a complex and sensitive a topic. CM confirmed she had also been in contact with reference group member Caroline Pretty from the NHS, to discuss this topic in more detail.

13. The group received an update on how the Social Security Agency development was progressing. It was noted that, currently, work was focused on securing agency locations and launching the Best Start Grant Maternity payment. It was also noted that work was being carried out on the modelling of staff within the agency, where the Dignity and Respect ethos / theme would be at the heart of all work.

14. It was confirmed that initially agency staff would be recruited to work on one benefit but as the agency became more mature, then staff could be trained to work across other benefits.

Action 5: Reference group members to let SG colleagues know if they would be interested in being involved in the process to develop and test FEA during Discovery later in 2018.

Action 6: SG and John Birrell to discuss pregnancy loss.

Action 7: Scottish Government Analytical Services to attend next reference group meeting to discuss experience panel interviews.

Update on the Scottish Working Group on Funeral Poverty

15. Ruth Mendel introduced herself as the new Chair for Scottish Working Group on Funeral Poverty as John Birrell had stood down. She presented an overview of the work plan for 2018.

AOB

Letter to the Minister for Social Security

16. John Birrell (JB) presented a draft letter addressed to the Minister for Social Security and discussed its content with the group. The Minister had attended the previous reference group meeting and had confirmed that the £700 cap on additional expenses would not be increased at this time. JB indicated that he continued to be of the view that the cap should be increased but in the meantime was now proposing that the capped element of the benefit should be increased annually in line with CPI or RPI. JB suggested that the funding to allow this could be taken from the £3M as set out in the table in paper 4. He informed the group it would cost £98,000 to index link the FEA in its first year, at the currently proposed figures. He noted this step would lay down a marker that the SG are looking into uprating the FEA and would also send a message to rest of UK that Scotland would be leading the way on this issue.

17. The group discussed how they may make clearer where any proposed additional spending on FEA would come from. It was also noted that the figure of £98,000 would not be a one off cost, but an annual cost which would increase over time if the amount of the capped element increased.

18. It was noted that, on average, the current Funeral Payment is approximately £1400 and it was only the other costs element of the benefit that was capped at £700.

19. JB thanked members for their comments.

Reference Group Membership

20. The Chair indicated that a review of the group's membership would be undertaken to ensure that this remained appropriate.

Close

